

S/N 10/581,611

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BERNS et al.	Examiner:	DIANA B. JOHANNSEN
Serial No.:	11/581,611	Group Art Unit:	1634
Filed:	APRIL 13, 2007	Docket No.:	9424.238USWO
Confirmation No.:	3771		
Title:	PREDICTING RESPONSE AND OUTCOME OF METASTATIC BREAST CANCER ANTI-ESTROGEN THERAPY		

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being submitted in response to the Restriction Requirement mailed September 30, 2009. Without acquiescing to the statements made therein, Applicants hereby elect with traverse the claims of Group II (claims 37-40) for prosecution in the instant application. Applicants traverse the Restriction Requirement because it would not be unduly burdensome for the Examiner to search and examine all the claims.

In response to the Species Election Requirement, again, without acquiescing to the statements made in the Office Action, Applicants elect the combination of gene markers SIAH-2 and DEME-6 for search at this time. Applicants acknowledge that the species election is rendered moot if a generic claim is found allowable. Applicants traverse the Species Election Requirement because it would not be unduly burdensome for the Examiner to search and examine all the species.

Examination on the merits is respectfully requested.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate.

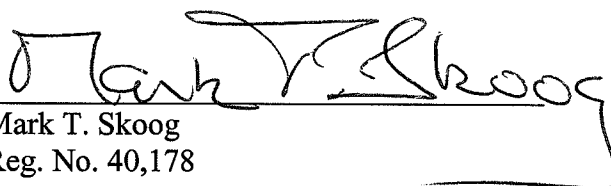
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 30 Nov '09

MTS:kf

  
Mark T. Skoog  
Reg. No. 40,178

